



# House of Representatives

General Assembly

**File No. 357**

February Session, 2016

Substitute House Bill No. 5482

*House of Representatives, March 31, 2016*

The Committee on Planning and Development reported through REP. MILLER, P. of the 36th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING BUILDING PERMITS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-265 of the general statutes is amended by  
2 adding subsection (c) as follows (*Effective October 1, 2016*):

3 (NEW) (c) Nine years from the date of issuance of a building permit  
4 issued pursuant to section 29-263 for construction or alteration of a  
5 one-family dwelling, two-family dwelling, or structure located on the  
6 same parcel as a one-family dwelling or two-family dwelling, for  
7 which dwelling or structure a certificate of occupancy, as defined in  
8 the regulations adopted under section 29-252, has not been issued by  
9 the building official, such building permit shall be deemed closed by  
10 operation of law. Thereafter, no enforcement action based upon the  
11 building permit being open shall be commenced. No municipality or  
12 officer or employee of any municipality shall have liability with  
13 respect to any building permit closed by operation of law pursuant to  
14 this section. For the purposes of this section, "structure" has the same

15 meaning as in the zoning regulations for the municipality in which the  
16 building permit was issued, or if undefined by such regulations,  
17 "structure" means any combination of materials that is affixed to the  
18 land, including, but not limited to, a shed, garage, sign, fence, wall,  
19 pool, patio, tennis court or deck.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	29-265

***Statement of Legislative Commissioners:***

In the first sentence, the words "for which building permit" were changed to "for which dwelling or structure" for accuracy.

***PD***        *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 17 \$</b>	<b>FY 18 \$</b>
Various Municipalities	Revenue Loss/Savings	Potential	Potential

**Explanation**

The bill automatically closes out open building permits after nine years. To the extent that this precludes any cost or any collection of fees associated with closing a building permit, there is a potential revenue loss or savings to municipalities.

For example, a municipality which charges a fee for a certificate of occupancy (such a certificate is currently required to close out all building permits) would experience a revenue loss if certain open building permits were closed automatically.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sHB 5482*****AN ACT CONCERNING BUILDING PERMITS.*****SUMMARY:**

This bill automatically closes open building permits nine years after a municipality issues them if a certificate of occupancy has not been granted. The automatic closure applies to open building permits to construct or alter one- and two-family dwellings or structures located on a parcel with such a dwelling. Under the bill, “structure” has the same meaning as it does in the permit-issuing municipality’s zoning regulations. If not defined locally, the bill defines a “structure” as any combination of materials that is affixed to land, including a shed, garage, sign, fence, wall, pool, patio, tennis court, or deck.

Under the bill, automatic closure serves as a bar to enforcement actions based on the open building permit. Municipalities and their officers and employees are not liable with respect to an automatically closed building permit.

EFFECTIVE DATE: October 1, 2016

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/14/2016)